

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MAGTEN ASSET MANAGEMENT  
CORPORATION and LAW DEBENTURE  
TRUST COMPANY OF NEW YORK,

Plaintiffs,

V.

NORTHWESTERN CORPORATION,

Defendant.

C.A. No. 04-1494-(JJF)

MAGTEN ASSET MANAGEMENT CORP.,

Plaintiff,

$$V.$$

C.A. Action No. 05-499 (JJF)

MICHAEL J. HANSON and ERNIE J. KINDT,

Defendants.

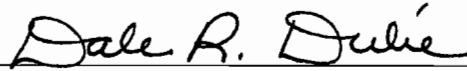
**MAGTEN ASSET MANAGEMENT CORPORATION AND LAW DEBENTURE TRUST COMPANY OF NEW YORK'S MOTION IN LIMINE TO EXCLUDE THE EXPERT REPORT AND TESTIMONY OF CHRISTOPHER A. KEARNS**

Plaintiffs Magten Asset Management Corporation and the Law Debenture Trust Company of New York (collectively, the "Plaintiffs") hereby move to exclude the expert report and testimony of Christopher A. Kearns for the reasons set forth in Plaintiffs' Memorandum of Law and Declaration of John W. Brewer filed contemporaneously herewith.

Dated: January 31, 2008

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 31<sup>st</sup> day of January, 2008, I served by hand delivery and electronic filing MAGTEN ASSET MANAGEMENT CORPORATION AND LAW DEBENTURE TRUST COMPANY OF NEW YORK'S MOTION IN LIMINE TO EXCLUDE THE EXPERT REPORT AND TESTIMONY OF CHRISTOPHER A. KEARNS using CM/ECF, which will send notification of such filing(s) to the following:

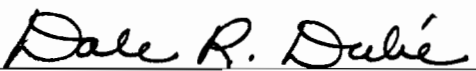
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I also certify that, on this 31<sup>st</sup> day of January, 2008, I served the aforementioned document, by email and Federal Express, upon the following participants:

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